

Application No. 10/717,285
Amdt. dated May 17, 2005
Reply to Office Action dated March 30, 2005

Customer No. 01933

REMARKS

Entry of this Amendment and reconsideration of this application as amended are respectfully requested.

ALLOWABLE SUBJECT MATTER

The Examiner's indication of the allowability of the subject matter of claims 2, 12 and 16 is respectfully acknowledged.

Instead of rewriting claims 2, 12 and 16 in independent form, claims 41-43 are added. Claim 41 includes subject matter from original claim 2, claim 42 includes subject matter from original claim 12 and claim 43 includes subject matter from original claim 16.

In view of the Examiner's indication of allowable subject matter in claims 2, 12 and 16, it is respectfully submitted that claims 41-43 should be allowable over the prior art of record.

CLAIM REJECTIONS-35 U.S.C. 102

Claims 1, 3, 4, 6 and 7 were rejected under 35 U.S.C. 102(b) as being anticipated by Verdon et al. (US 4980982). Claims 1 and 3-7 were rejected under 35 U.S.C. 102(b) as being anticipated by Noggle (US 5109619). Claims 1, 6 and 7 were rejected under 35 U.S.C. 102(b) as being anticipated by Vogeles (US 3918187).

Application No. 10/717,285
Amdt. dated May 17, 2005
Reply to Office Action dated March 30, 2005

Customer No. 01933

The Examiner's rejections are respectfully traversed on the grounds that the cited prior art does not include all of the features of independent claim 1.

Claim 1 is directed to a frame assembly for at least one object to be displayed including a frame having a retaining panel and a rear panel. The retaining panel has a substantially planar portion and retaining members formed along edges thereof. Each retaining member includes an extension portion extending rearward relative to the substantially planar portion and a projecting ridge formed on the extension portion and extending inwardly whereby part of the rear panel fits between the ridges and a rear surface of the retaining panel.

As now set forth in claim 1, the retaining member along a first edge extends to an adjacent second edge and the retaining member along the second edge is spaced from the retaining member along the first edge to thereby define an access opening (or space) therebetween. As shown in Figs. 3 and 9, retaining members 26 extend along lateral edges 34 of the front panel 16 and retaining members 28 are distanced or spaced from the upper and lower edges 30, 32 of the front panel 16 to form access openings 42 (see the specification at page 14, lines 14-24). Access openings 42 are thereby defined between the inner sides of the retaining members 26 and the lateral edges of the retaining members 28. At each access opening 42, an edge of the rear panel

Application No. 10/717,285
Amdt. dated May 17, 2005
Reply to Office Action dated March 30, 2005

Customer No. 01933

18 is visible (see Fig. 2) and this enables insertion of an object from a lateral direction between the front panel 16 and the rear panel 18 to lift the rear panel 18 away from the front panel 16.

The cited prior art does not disclose, teach or suggest the claimed arrangement and construction of retaining members of the present invention recited in amended claim 1.

Verdon et al. shows a picture frame 10 including support and positioning members 22 and holding members 26 having extensions 30 which overlie a backing member 36 in order to retain the backing member 36 in connection with a transparent frame 10. The support and positioning members 22 and holding members 26 are positioned as shown with the intention to form spaces therebetween which are required in order to enable a backing member 36 to be folded to form a stand (col. 3, lines 24-30, col. 3, line 66-col. 4, line 3), and to enable the insertion of the backing member 36 into the frame 10 in any position (col. 3, lines 63-66).

Support and positioning members 22 are not comparable to the retaining members in the amended claim 1 because they do not extend along one edge of the frame to an adjacent edge and include a projecting ridge extending inwardly. Holding members 26 are not comparable to the retaining members in the amended claim

Application No. 10/717,285
Amdt. dated May 17, 2005
Reply to Office Action dated March 30, 2005

Customer No. 01933

1 because they do not extend along one edge of the frame to an adjacent edge.

Noggle shows a picture frame unit including a frame 1 having a perimeter wall 7 and integral tabs 8 extending inwardly from the wall 7. Tabs 8 are not comparable to the retaining members in the amended claim 1 because they do not extend along one edge of the frame to an adjacent edge and include a projecting ridge extending inwardly.

Vogele shows a sign assembly including a frame 12 having tabs 28, 30a, 30b which retain a backing plate 14 in connection with the frame 12. Tabs 28, 30a, 30b are not comparable to the retaining members in the amended claim 1 because they do not extend along one edge of the frame to an adjacent edge and include a projecting ridge extending inwardly.

It is respectfully submitted that the above-described structural features of the present invention recited in claim 1 are simply not taught, suggested or otherwise rendered obvious by the cited references. Accordingly, claim 1 and claims 3-7 which depend therefrom are patentable over Verdon et al., Noggle and Vogele.

CLAIM REJECTIONS-35 U.S.C. 103

Claims 8-11 and 13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Vogele in view of Field (US 4594802).

Application No. 10/717,285
Amdt. dated May 17, 2005
Reply to Office Action dated March 30, 2005

Customer No. 01933

Claim 14 was rejected under 35 U.S.C. 103(a) as being unpatentable over Vogeļe in view of Chamlian (US Des. 335394). Claim 15 was rejected under 35 U.S.C. 103(a) as being unpatentable over Vogeļe in view of Fell (US 6412743).

Field, Chamlian and Fell do not disclose a frame including retaining members having the construction set forth in amended claim 1 upon which claims 8-11 and 13-15 depend. Therefore, one could not combine these references with Vogeļe and arrive at the embodiments of the invention set forth in these claims.

NEW CLAIMS

Claims 41-45 are added and the content of claims 41-43 is described above.

Claim 44 is directed to an embodiment wherein first and second retaining members extend across the entire length of first and second opposed edges of the retaining panel and include ridges which extend across the entire length thereof. As shown in Figs. 1-3, the front panel 16 includes retaining members 26 extending across the entire upper and lower edges 30, 32 of the planar portion 22 and engagement or retaining members 28 extending across only a middle portion of the lateral edges 34 of the planar portion 22. The presence of the retaining members 26 along the entire upper and lower edges 30, 32 of the planar portion 22 provides significant support to and secure retention

Application No. 10/717,285
Amdt. dated May 17, 2005
Reply to Office Action dated March 30, 2005

Customer No. 01933

of the rear panel 18 when placed in connection with the front panel 16.

Claim 45 is directed to an embodiment wherein the retaining panel has a substantially planar portion defining a plurality of edges and retaining members arranged on all of the edges. Only one retaining member is situated on each edge, i.e., if there are four edges, there are four retaining members as shown in Fig. 3, and each retaining member extends along a major portion of the respective edge (see Fig. 3).

The cited prior art does not disclose, teach or suggest the claimed arrangement and construction of retaining members of the present invention recited in claims 44 and 45 and therefore claims 44 and 45 should be patentable over the prior art of record.

The application was originally filed with 40 claims of which 4 were independent, and the appropriate claim fee was paid for such claims. The application now contains 45 claims, of which 6 are independent. Accordingly, a claim fee in the amount of \$650.00 for the addition of 5 extra claims and 2 independent claim in total is attached hereto. In addition, authorization is hereby given to charge any additional fees which may be determined to be required to Deposit Account No. 06-1378.

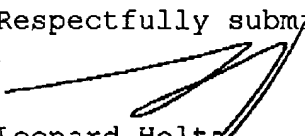
If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the

Application No. 10/717,285
Amdt. dated May 17, 2005
Reply to Office Action dated March 30, 2005

Customer No. 01933

undersigned at the telephone number given below for prompt
action.

Respectfully submitted,



Leonard Holtz
Reg. No. 22,974

Frishauf, Holtz, Goodman & Chick, P.C.
767 Third Avenue - 25th Floor
New York, New York 10017-2023
Tel. No. (212) 319-4900
Fax No. (212) 319-5101
LH:br/nps